IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

VAUDA VIRGLE SHIPP, JR. §

VS. § CIVIL ACTION NO. 1:17-CV-275

UNITED STATES OF AMERICA, ET AL. §

MEMORANDUM OPINION AND ORDER

Petitioner Vauda Virgle Shipp, Jr., an inmate proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. On June 29, 2017, the magistrate judge recommended dismissing the petition. Petitioner subsequently moved for recusal of the magistrate judge pursuant to 28 U.S.C. § 455.

Title 28 U.S.C. § 455 requires a federal judge to disqualify himself in any proceeding in which his impartiality might reasonably be questioned. 28 U.S.C. § 455(a). Disqualification is appropriate if a reasonable person, with knowledge of all the circumstances, would question the court's impartiality. *United States v. Anderson*, 160 F.3d 231, 233 (5th Cir. 1998). In this instance, petitioner has utterly failed to set forth any facts which would cause an objective observer to question the court's impartiality. Petitioner contends that he previously sued the magistrate judge in cause number 1:16-CV-71 and 1:16-CV-154, and, thus, the magistrate judge should be disqualified from this case. In fact, the magistrate judge was not identified as a party to either case, although both cases were referred to the undersigned magistrate judge for consideration pursuant to applicable laws and orders of this court.

It appears that petitioner seeks disqualification of the magistrate judge because he was dissatisfied with rulings in the earlier cases. However, absent surrounding comments or accompanying

opinion, judicial rulings alone will rarely constitute a valid basis for a motion to recuse or disqualify. *Liteky v. United States*, 510 U.S. 540, 555 (1994); *Andrade v. Chojnacki*, 338 F.3d 448, 455 (5th Cir. 2003). An objective observer would not question the court's impartiality based on the rulings in the earlier cases. Therefore, the motion to disqualify shall be denied.

It is accordingly

ORDERED that petitioner's motion for recusal of the magistrate judge (document no. 3) is **DENIED**.

SIGNED this the 10th day of October, 2017.

KEITH F. GIBLIN

UNITED STATES MAGISTRATE JUDGE

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